

**FACSIMILE SIGNATURES—HOME-RULE CITIES OF
1,200,000 OR MORE—CONTRACTS**

CHAPTER 246

S. B. No. 1159

An Act relating to the use of facsimile signatures on certain municipal documents;
amending Sections 1, 2, 3, and 4, Texas Uniform Facsimile Signature of Public
Officials Act, as amended (Article 717j—1, Vernon's Texas Civil Stat-
utes).

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1, Texas Uniform Facsimile Signature of Public Officials Act, as amended (Article 717j—1, Vernon's Texas Civil Statutes), is amended by amending ⁴¹ Subsection (d) and adding ⁴² Subsection (f) to read as follows:

“(d) ‘Authorized officer’ means any official of this state, its political subdivisions, or any department, agency, or other instrumentality of this state or its political subdivisions whose signature to a public security, eligible contract, instrument of payment or certificate of assessment is required or permitted.”

“(f) ‘Eligible contract’ means any written contract, purchase order, surety bond, or other written evidence of agreement and any application, certificate, approval, or other document related thereto (other than a public security or instrument of payment) executed, authenticated, certified, or endorsed for or on behalf of any home-rule city with a population of 1,200,000 or more, according to the last preceding or any future federal census.”

Sec. 2. Sections 2, 3, and 4, Texas Uniform Facsimile Signature of Public Officials Act, as amended (Article 717j—1, Vernon's Texas Civil Statutes), are amended ⁴³ to read as follows:

Facsimile Signature

“Sec. 2. If the use of a facsimile signature is authorized by the board, body, or officer empowered by law to authorize the issuance of the public securities, instruments of payment or certificates of assessment, or, in the case of an eligible contract, if the use of a facsimile signature is authorized by the governing body of the city, any authorized officer may execute, authenticate, certify, or endorse, or cause to be executed, authenticated, certified, or endorsed with a facsimile signature in lieu of his manual signature:

“(a) Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed;

“(b) Any instrument of payment;

“(c) Any certificate of assessment; and

“(d) Any eligible contract.

“In any suit or legal action instituted against the officer whose name is affixed under the provisions of this Act, it shall not be a defense that

41. Vernon's Ann.Civ.St. art. 717j—1, § 1, subsec. (d).

42. Vernon's Ann.Civ.St. art. 717j—1, § 1, subsec. (f).

43. Vernon's Ann.Civ.St. art. 717j—1, §§ 2 to 4.

such name was affixed to any public security, eligible contract, instrument of payment or certificate of assessment, as herein defined, without his authority or consent. Upon compliance with this Act by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

"However, as to a public security required to be registered by the Comptroller of Public Accounts of the State of Texas, only his signature or that of a deputy designated in writing to act for the Comptroller is required to be manually subscribed to such public security or to a certificate thereon.

Facsimile Seal

"Sec. 3. When the seal of this state, its political subdivisions, or any department, agency, or other instrumentality of this state or its political subdivisions is required in the execution, authentication, certification, or endorsement of a public security, eligible contract, instrument of payment or certificate of assessment, the authorized officer may cause the seal to be printed, engraved, lithographed, stamped, or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal.

Penalty

"Sec. 4. Any person who with intent to defraud uses on a public security, an eligible contract, an instrument of payment or a certificate of assessment:

"(a) A facsimile signature, or any reproduction of it, of any authorized officer; or

"(b) Any facsimile seal, or any reproduction of it, of this state, its political subdivisions, or any department, agency, or other instrumentality of this state or its political subdivisions shall upon conviction be confined in the penitentiary not less than two nor more than seven years."

Sec. 3. This Act takes effect September 1, 1981.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 7, 1981: Yeas 27, Nays 0; passed the House on May 20, 1981, by a non-record vote.

Approved May 28, 1981.

Effective Sept. 1, 1981.